



DOCKET NO: B00870231.US

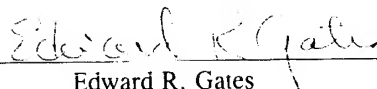
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean P. Colgan
Serial No: 10/007,255
Confirmation No: 5204
Filed: October 25, 2001
For: COMPOSITIONS AND METHODS FOR TREATING
HEMATOLOGIC MALIGNANCIES AND MULTIPLE
DRUG RESISTANCE
Examiner: unknown
Art Unit: 1614

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 27 day of January, 2003.


Edward R. Gates

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Sean P. Colgan, *Applicant*

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Docket No. B00801.70233.US
Date: January 27, 2003
XNDDX

FEB 06 2003

FORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1

APPLICATION NO. 007,255

ATTY. DOCKET NO.: B00801.70233.US

FILING DATE: October 25, 2001

CONFIRMATION NO.: 5204

APPLICANT: Colgan et al.

GROUP ART UNIT: 1614

EXAMINER: unknown

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	5,882,914	A	Semenza	03-16-1999
	A2	6,001,991	A	Dean, et al.	12-14-1999
	A3	6,020,462	A	Semenza	02-01-2000

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C7	BROWN, JM "Exploiting the hypoxic cancer cell: mechanisms and therapeutic strategies." <i>Molecular Medicine Today</i> . 6:157-162 (April 2000).	
	C8	FARDEL, O., et al. "The P-glycoprotein multidrug transporter." <i>Gen Pharmacol.</i> 27(8):1283-91 (1996)	
	C9	JIN, S., et al. "Transcriptional regulation of the MDR1 gene by histone acetyltransferase and deacetylase is mediated by NF-Y." <i>Molecular and Cellular Biology</i> 18:4377-4384 (1998).	
	C10	KAYE, SB. "Multidrug resistance: clinical relevance in solid tumors and strategies for circumvention." <i>Curr Opin Oncol.</i> 10(suppl. 1):S15-S19. (1998)	
	C11	LIANG, BC., "Effects of hypoxia on drug resistance phenotype and genotype in human glioma cell lines." <i>J Neuro-Oncology</i> . 29:149-155 (1996).	
	C12	RYAN, HE., et al. "HIF-1 α is required for solid tumor formation and embryonic vascularization." <i>EMBO Journal</i> . 17(11):3005-3015 (1998).	
	C13	SEMENZA, GL., et al. "Regulation of mammalian O ₂ homeostasis by hypoxia-inducible factor 1." <i>Annu. Rev. Cell Dev Biol.</i> 15:551-78 (1999)	
	C14	STRAUSS, BE et al., "The region 3' to the major transcriptional start site of the mdr1 downstream promoter mediates activation by a subset of mutant P53 proteins." <i>Biochem Biophys Res Commun.</i> 217(1):333-340 (1995).	
	C15	SUTHERLAND, RM "Tumor hypoxia and gene expression — implications of malignant progression and therapy." <i>Acta Oncol.</i> 37(6):567-74. (1998).	
	C16	UEDA, K "Expression of a full-length cDNA for the human "MDR1" gene confers resistance to colchicine, doxorubicin, and vinblastine." <i>Proc. Natl. Acad. Sci. USA</i> 84:3004-3008 (1987).	
	C17	UEDA, K., et al. "Isolation and sequence of the promoter region of the human multidrug resistance (P-glycoprotein) gene." <i>J. Biol. Chem.</i> 262(36):17432-17436 (1987).	
	C18	UEDA, K., et al. "The human multidrug resistance (mdr1) gene." <i>J. Biol. Chem.</i> 262(2):505-508 (1987)	
	C19	UEDA, K., et al. "The mdr1 gene, responsible for multidrug-resistance codes for p-glycoprotein." <i>Biochem Biophys Res Commun.</i> 141(3):956-962. (1986).	
EXAMINER			DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Serial No.: 10/007,255

Art Unit: 1614

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

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